

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, November 20, 2012

5:00 PM

Closed Session Meeting

City Council Chambers

City Council

Mayor Wayne Powell

Mayor Pro Tem David J. Lesser

Councilmember Amy Howorth

Councilmember Richard P. Montgomery

Councilmember Nicholas W. Tell, Jr.

A. CALL MEETING TO ORDER

The Closed Session Meeting of November 20, 2012, was called to order at 5:07 p.m.

B. ROLL CALL

Present: 3 - Mayor Powell, Mayor Pro Tem Lesser and Councilmember Montgomery

Absent: 2 - Councilmember Howorth and Councilmember Tell

C. PUBLIC COMMENT ON CLOSED SESSION AGENDA

Viet Ngo stated that Mayor Powell should have announced that Councilmembers Howorth and Tell were absent from the meeting; that, in regard to Item No. 2, any legal action with a private party should not be held in Closed Session as it violates the Brown Act; and regarding Item No. 3, he alleged wrongdoing by members of the City Council and that the matter should be discussed at a Public Hearing.

City Attorney Barrow clarified that the Brown Act clearly states that matters such as these can be held in Closed Session and that there was no violation.

D. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

City Attorney Barrow read into the record the following Closed Session agenda items:

1. CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Agency Negotiator: David N. Carmany, City Manager

Employee Groups: Manhattan Beach Firefighters' Association;
Manhattan Beach Police Officers' Association;
Manhattan Beach Police Management Association;
Management Confidential;
Teamsters

2. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)

(Government Code Section 54956.9(c))

The City Council will consider initiating litigation (1 potential case).

3. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)

(Government Code Section 54956.9(a))

Geoff Dolan v. City of Manhattan Beach; Los Angeles Superior Court No. BC472421

E. RECESS INTO CLOSED SESSION

The City Council recessed into Closed Session at 5:11 p.m.

F. RECONVENE INTO OPEN SESSION

The City Council reconvened into Open Session at 5:53 p.m.

G. CLOSED SESSION ANNOUNCEMENT

City Attorney Barrow stated that of the three items considered in Closed Session, there was no action taken on Item No. 1 (Conference with Labor Negotiator); the City Council gave direction to the City Attorney regarding Item No. 2 (Conference with Legal Counsel - anticipated litigation); and there was no action taken on Item No. 3 (Conference with Legal Counsel - existing litigation).

H. ADJOURNMENT

The November 20, 2012, City Council Closed Session Meeting was adjourned to the November 20, 2012, 6:00 p.m. Regular City Council Meeting.